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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JUL 11 2017

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

REPUTY

JUSTIN MILLS

Plaintiff

v.

PPE CASINO RESORTS
MARYLAND, LLC, *et al.*

Defendants

Civil No. RDB 15-495

* * * * *

MOTION TO STRIKE SURREPLY

Comes now the Defendants, Officers Douglas Bilter and Kyle Shapelow, by and through undersigned counsel, and respectfully moves this Honorable Court to strike the Plaintiff's correspondence dated July 7, 2017 (ECF 146) and, as reasons for, states as follows:

1. That the Defendant Officers supplied the Court with a letter dated July 7, 2017 (ECF) with a citation stating only "a recent case. . .has come to [counsel's] attention that may impact the rulings [of pending motions]. No argument was offered. This information was offered in the manner of Rule 28(j) of the local rules of the Fourth Circuit.

2. That the Plaintiff filed a reply letter (ECF 146) dismissing the applicability of the case referenced in Defendants' correspondence and then engaging in rearguing the law of arrest. It also noted that "if there is an opportunity for supplemental briefing" and immediately began a diatribe regarding COMAR regulations and what conduct it does

Request **DENIED** this 10th day of July, 2017.


Richard D. Bennett
United States District Judge

and does not prohibit. Plaintiff's letter didn't reference any recent cases except to state that the citation supplied by the Defendants was inapplicable.

3. That Local Rule 105.2 states "[u]nless otherwise ordered by the Court, surreply memoranda are not permitted to be filed."

4. That Plaintiff's letter constitutes an unpermitted surreply as it provides additional argument on the pending motions. Pleadings filed in violation of the Court's rules are subject to a motion to strike pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

5. And for such other reasons as may be advanced at a hearing of this matter.

WHEREFORE, the Defendant Officers respectfully pray that this Honorable Court grant this motion, strikes the correspondence of the Plaintiff dated July 7, 2017 and for such further relief as may be granted in the interest of justice.

Respectfully submitted,

NANCY McCUTCHAN DUDEN
County Attorney

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